

Debbie Beadle

To: Debbie Beadle
Subject: FW: Follow up to Monday Meeting. Proposed Code Language.

Sent: Wednesday, November 07, 2012 3:43 PM
To: Kamuron Gurol; Evan Maxim; Debbie Beadle
Cc: brc@vnf.com; David Gee; meggee@comcast.net
Subject: Follow up to Monday Meeting. Proposed Code Language.

EXHIBIT NO. 250

Hi Kamuron and Evan-

As follow up to our meeting Monday afternoon, attached is a revision to the City's draft Section 21A.50.320 (one version showing changes, the other clean).

We do appreciate the City's proposal to add code flexibility through buffer reduction, and the substance of that proposal is preserved in our revision.

As discussed at the meeting, however, we would urge the Planning Commission to advance both of the options the City has proposed in its draft 3-19d, but with both options available up to the same 4000 sf level. Accordingly, the attached revision increases to 4000 sf the 2500 sf wetland avoidance threshold proposed by the City's draft 3-19d, to make it consistent with the code update we have advanced from the outset and throughout the Planning Commission process (and as originally delineated in the Major Item advanced by the Planning Commission in June). Not surprisingly, our key objection to the 2500 sf threshold proffered by the City is that it would offer no added flexibility to our situation. Nor is it apparent that the 2500 sf level would benefit anyone else, given that the public record indicates the City has not identified any property owner with a low function wetland between 1000 and 5000 sf. (See, the City's response to our January 2012 Public Records Request and other responses by the City during the Planning Commission's review).

We continue to believe that the choice of 4000 sf (rather than 2500 or 1000) is a proper policy choice for the Commission. To address concerns you have voiced about the likelihood of DOE's approval of the alternative we have advanced (also incorporated within the attached revision):

- (1) we have provided you with information (including the excerpted Renton City ordinance) to demonstrate that DOE, less than 12 months ago, approved a very similar provision for low function wetlands smaller than 4000 sf with attendant mitigation requirements--not to mention the fact of at least 11 other local jurisdictions with similar provisions, that seem to track in form and substance guidance from DOE; and
- (2) you have agreed to help arrange a meeting with DOE to be attended by City staff and Brent Carson and myself to discuss the feasibility of the approach taken by Renton and these other cities and counties in our region.

Thank you for your consideration and assistance,

David

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DAVID W. GEE

Owner | Tel: 206.464.3939 ext 1351 | Mobile: 425.760.9312 | Fax: 206.464.0125 | dgee@gsblaw.com

GARVEY SCHUBERT BARER | 18th Floor | 1191 Second Avenue | Seattle, WA 98101 | ? GSBLaw.com

From: meggee@comcast.net [<mailto:meggee@comcast.net>]

Sent: Wednesday, November 07, 2012 06:01 AM

To: David Gee

Subject: proposed code language

21A.50.320 Wetlands-Development Flexibilities

1. Isolated wetlands with an area of up to 1,000 square feet may be exempted from the provisions of SMC 21A.50.290 and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan.
2. Isolated category III and IV wetlands with an area ~~between of more than~~ 1000 square feet and up to ~~2,500~~ 4,000 square feet may be exempted from the provisions of SMC 21A.50.290 and may be altered, provided:
 - a) A critical area study is prepared that includes a review of the existing functions that the wetland provides, and determines ~~how the isolated wetland should be managed for ecological function of the watershed as a whole that:~~
 - i. The wetland is not associated with a riparian corridor; and
 - ii. The wetland is not part of a wetland mosaic; and
 - iii. The wetland scores 15 points or less for habitat in the adopted Western Washington Rating System; and
 - iv. The wetland does not contain habitat identified as essential for local populations of priority species as identified by Washington Department of Fish and Wildlife.;and
 - b) ~~Mitigation to replace lost~~ wetland functions and values shall be mitigated pursuant to an approved mitigation plan, consistent with SMC 21A.50.310. ~~shall be prepared for review and approval by the City.~~
3. Buffers may be reduced to 15 feet for Category III and IV wetlands with a total area of 4,000 square feet or less~~may have the buffer reduced to 15 feet,~~ provided:
 - a) A critical area study is prepared that includes a review of the existing functions that the wetland provides, and determines that:
 - i. The wetland is not part of a wetland mosaic; and
 - ii. The wetland scores 15 points or less for habitat in the adopted Western Washington Rating System.;and
 - b) The buffer functions associated with the area of the reduced buffer are mitigated through the enhancement of the wetland, the remaining on-site wetland buffer area, and/or other adjoining high value habitat as needed to replace lost buffer functions and values.;and
 - c) ~~No subsequent buffer reduction or averaging is authorized.~~